

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:17-CV-634-H

)
BENJAMIN MCKINLEY HUBBARD,)
)
Plaintiff,)
)
v.) **ORDER**
)
)
UNITED PARCEL SERVICES, INC.,)
)
)
Defendants)

This matter is before the court on the Memorandum & Recommendation ("M&R") of Magistrate Judge Kimberly A. Swank filed on January 4, 2019, recommending that plaintiff's case be dismissed for failure to properly serve defendant pursuant to Rule 4(m) and for failure to prosecute and/or to comply with this court's prior orders. Plaintiffs have not objected or otherwise responded to the M&R, and the time for objection has expired.

A full and careful review of the M&R and other documents of record convinces the court that the recommendation of the magistrate judge is, in all respects, in accordance with the law and should be approved. Accordingly, the court adopts the recommendation of the magistrate judge as its own. For the reasons

stated therein, this matter is dismissed. The clerk is directed to close this case.

This 28th day of January 2019.



MALCOLM J. HOWARD
Senior United States District Judge

At Greenville, NC
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